

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KENNETH J. KUBALA	:	
Plaintiff,	:	Case No. 4:18-cv-1988
vs.	:	Judge
RANDY SMITH, et al.	:	
Defendants.	:	

NOTICE OF REMOVAL BY DEFENDANTS
RANDY SMITH AND TRUMBULL COUNTY, OHIO

Defendants Randy Smith and Trumbull County, Ohio (collectively “Defendants”), by and through their legal counsel, state the following as its Notice of Removal:

1. On June 18, 2018, Plaintiff Kenneth J. Kubala (“Plaintiff”) filed a civil Complaint in the Trumbull County Court of Common Pleas, Ohio against Defendants. The earliest service of the Summons on Complaint upon the Defendants who are removing this matter was made on August 8, 2018, and accordingly, this Notice of Removal is filed within 30 days after notice that this action was removable. A copy of the time-stamped Complaint together with the Summons on Complaint which was served upon the removing Defendants is attached hereto as Exhibit A.

2. As stated in the Complaint, Plaintiff claims Defendants violated Plaintiff’s “rights of freedom of speech and freedom of association given to [Plaintiff] by the United States Constitution and the Constitution of the State of Ohio.” See ¶ 14 of Exhibit A. Additionally, there are supplemental state law claims over which this Court may exercise jurisdiction pursuant to supplemental jurisdiction provisions of 28 U.S.C. § 1367 and which are removable pursuant to 28 U.S.C. § 1441(c).

3. The Defendants consent and desire to remove this action to this Court pursuant to

28 U.S.C. § 1441 and 28 U.S.C. § 1446 on the grounds that this is a case involving federal question jurisdiction pursuant to 28 U.S.C. § 1331 in that the action arises under the laws of the United States, *i.e.* violation of Plaintiff's First Amendment rights of freedom of speech and freedom of association under the United States Constitution. A copy of the Notice of this removal proceeding which these Defendants will promptly serve on all parties is attached hereto as Exhibit B.

4. An Affidavit in Support of this removal is attached hereto as Exhibit C.

WHEREFORE, Defendants pray that the above-referenced action pending against it in the Trumbull County Court of Common Pleas, Ohio be removed therefrom to this Court.

Respectfully submitted,

/s/ Jeffrey A. Stankunas

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by regular U.S. mail, postage prepaid, this 29th day of August, 2018, upon the following:

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